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UNITED STATES OF AMERICA

13 UNITED STATES DISTRICT COURT

14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 RYAN WRIGHT,

19 Defendant.  
20

No. 2:23-cr-00492-PA

OPPOSITION TO DEFENDANT'S  
APPLICATION FOR REVIEW OF  
MAGISTRATE JUDGE'S DETENTION  
ORDER; MEMORANDUM OF POINTS AND  
AUTHORITIES

21 The United States of America, by and through its counsel of  
22 record, the United States Attorney for the Central District of  
23 California and Assistant United States Attorney Daniel J. O'Brien,

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1 submits its opposition to Defendant's Application for Review of the  
2 Magistrate Judge's Detention Order.

3 Dated: May 28, 2024

Respectfully submitted,

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8  
9 /s/ Daniel J. O'Brien  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

The order of detention by the U.S. Magistrate Judge Jean Rosenbluth is supported by voluminous evidence and argument submitted in connection with three bond hearings. To become adequately familiar with the proceedings below, the government recommends that the court focus its review upon the following docket entries:

| <u>File</u> | <u>Date</u> | <u>Dkt</u> | <u>Description</u>                                |
|-------------|-------------|------------|---|
| 10/30/23    | 62          |            | Transcript: Detention Hearing                     |
| 12/28/23    | 42          |            | Government Proffer                                |
| 01/01/24    | 46          |            | Government Supplemental Proffer                   |
| 01/02/24    | 49          |            | Government Supplemental Proffer (under seal)      |
| 01/02/24    | 63          |            | Transcript: 1st Detention Reconsideration Hearing |
| 01/17/24    | 65          |            | Government Revision to Proffer                    |
| 03/26/24    | 75          |            | Government Proffer                                |
| 03/27/24    | 79          |            | Government Supplemental Proffer                   |
| 04/01/24    | 88          |            | Transcript: 2nd Detention Reconsideration Hearing |

In this brief, the government summarizes the evidence and responds to sundry points raised in the defendant's brief in support of the instant application.

**II. DEFENDANT PRESENTS AN ECONOMIC DANGER TO THE COMMUNITY**

The primary basis for the defendant's detention is that he presents an economic danger to the community. (Dkt 62, pp. 9-16; Dkt 63, pp. 55-57.)<sup>1</sup>

The defendant has been accused of investment fraud schemes through multiple civil complaints filed by various business partners going back to at least 2018, which reference events going back to 2013. (Dkt 62, pp. 10 & 16; Dkt 75, p. 10.) The defendant has been

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<sup>1</sup> Page number references are to the pdf exhibits submitted in tandem with the Appendix filed in accordance with the Court's Minute Order. Thus, page one of each exhibit is a cover page that identifies the underlying docket number and original filing date.

1 aware of the government's investigation since April 2020. (Defense  
2 Brief p. 2.) In the face of these various attempts to interdict,  
3 punish, and deter his unlawful activity, defendant has repeatedly  
4 engaged in new crimes. (Dkt 62, pp. 9-15; Dkt 63, pp. 55-57.)

5 For example, in February 2022, in response to a government  
6 proffer designed to encourage a pre-indictment resolution of the  
7 corruption matter, defendant obstructed the investigation by altering  
8 a document and presenting it to the government to falsely exonerate  
9 himself. (Dkt 42, pp. 33-39.)<sup>2</sup> Beginning in February 2022,  
10 defendant embarked upon a real estate investor fraud scheme in Texas.  
11 (Dkt 42, pp. 39-47.) By August 2022, defendant expanded that fraud  
12 by making numerous false representations with respect to the status  
13 of the Texas project in connection with a \$24 million loan  
14 application. (Dkt 42, pp. 47-57.) In early February 2023, after the  
15 seller terminated the Texas real estate project and filed suit for  
16 breach of contract, defendant embarked on a credit card fraud scheme  
17 against his business partner, John Pena. (Dkt 42, pp. 5-8.)  
18 Beginning in late February 2023, after defendant procured a new  
19 purchase agreement for the Texas property, defendant resumed his  
20 fraud against the lender, by falsely representing amounts paid into  
21 the project and temporarily inflating the balance of a bank account  
22 offered in support of the loan. (Dkt 42, pp. 47-57). After the  
23 lender received a subpoena in connection with the government's  
24 investigation and cancelled the loan, defendant attempted to

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27 <sup>2</sup> Defendant's willingness to obstruct is consistent with his  
28 previously offering to pay money to one of his domestic abuse victims  
so that she would not testify as to his pattern of domestic abuse.  
(Dkt 63, pp. 44-45.)

1 fraudulently procure a loan from another lender in which he conveyed  
2 similarly false information. (Dkt 42, p. 57).

3 In sum, rather than be deterred by efforts to put a halt to his  
4 criminal activity, the defendant has engaged in incessant attempts to  
5 keep one step ahead of the government and has perpetrated further  
6 crimes. Defendant's repeated frauds against numerous individuals and  
7 entities demonstrates that he is an incorrigible, confidence man who  
8 will continue to hurt innocent people if he is released prior to  
9 trial.

### 10 **III. DEFENDANT PRESENTS A DANGER TO WOMEN**

11 The evidence demonstrates that defendant has repeatedly abused  
12 women. Defendant pleaded guilty to five felony counts of domestic  
13 abuse against a former girlfriend. (Dkt 65.) His criminal history  
14 shows arrests for, and/or complaints of, domestic abuse involving two  
15 other women. (Id., pp. 7-8.) The circumstances of the incidents are  
16 particularly troubling in that they involve choking or grabbing the  
17 victim by the throat. (Id.) On one occasion, the victim was left  
18 unconscious. (Id.) A memorandum filed by California prosecutors  
19 prior to his pleas of guilty reveals additional incidents of domestic  
20 abuse that victims had not reported to the police. (Dkt 42, pp. 151-  
21 178.)

22 The defense argues that defendant's prior instances of violence  
23 go back many years. This contention ignores allegations raised by  
24 defendant's ex-wife, supported by photographs depicting bruises, that  
25 she was beaten by defendant in 2020. (Dkt 52.)

### 26 **IV. DEFENDANT IS A FLIGHT RISK**

27 Defendant's incorrigibility is also relevant to assessing the  
28 risk of flight. Defendant has gone to extreme lengths to avoid

1 responsibility for his crimes. His obstruction of that investigation  
2 indicates that he will do whatever is necessary to avoid consequences  
3 for his actions, and flight would be one such means to accomplish  
4 that goal.

5 Although the government is not privy to what the defendant has  
6 submitted to the Court regarding his income and assets, it is clear  
7 from orders issued by both the Magistrate Judge and this Court that  
8 defendant has, at least at some juncture, been unwilling to disclose  
9 his financial resources, has sufficient financial capacity to hire an  
10 attorney, and yet has declined to do so. (See, e.g., Dkt 63, pp. 17-  
11 19 & 53.) This concealment of assets should be a significant factor  
12 in evaluating the risk of flight.

13 There is also concrete evidence in support of the claim that  
14 defendant is hiding assets. Defendant's fraudulent real estate  
15 transactions, which are the subject of various lawsuits, generated  
16 millions of dollars. (See, e.g., Dkt 75, pp. 9-10.) In 2022,  
17 defendant entered into an agreement with his unindicted co-  
18 conspirator, John Belsher, in which he agreed to pay expenses on  
19 behalf of Belsher. To ensure repayment, the parties agreed to an  
20 arrangement through which defendant would become the beneficiary of  
21 Belsher's life insurance policies. (Dkt 75, pp. 7-9 & 74-82.)  
22 Defendant then proceeded to pay premiums on the policies. (Dkt 75,  
23 pp. 8 & 103-104.) In that same agreement, defendant represented that  
24 he could personally provide \$1,075,000 to settle some of the claims  
25 filed against himself and Belsher. (Dkt 75, p. 76.) In early 2023,  
26 defendant informed his business partner, John Pena, that he was  
27 concerned that if he accessed his own money, the government might  
28 identify the funds and seize them. Defendant told Pena that he could

1 have one of his attorneys (who specializes in trusts) access  
2 \$250,000. (Dkt 49.) In recorded prison call after his arrest, the  
3 defendant told his mother and brother that they could use that same  
4 attorney to access money. (Dkt 46, p. 16; Dkt 63, pp. 52-55.) That  
5 attorney declined to produce information in response to a subpoena,  
6 which necessitated an order by this Court to compel the production of  
7 documents. (Dkt 42, p. 10; Dkt 88, p. 26.) Notwithstanding a  
8 settlement agreement that entitled the defendant to received  
9 approximately \$100,000 in September 2023, the defendant did not  
10 reveal such funds until six months later, when he offered them in  
11 support of his bond application.<sup>3</sup>

12 The defense has argued that defendant has been aware of the  
13 government's investigation for years and did not flee. (Defense  
14 brief, p. 21-22.) While this is true, at that time, the defendant  
15 was engaged in another tactic to defeat the government's case, which  
16 was to defraud people of money, use that money to hire attorneys, and  
17 then have those attorneys produce false evidence to thwart the  
18 investigation. (Dkt 42, pp. 33-39; Dkt 63, pp. 60-61.)

19 In the past, the government has agreed that the risk of flight  
20 could be mitigated if the defendant posted a sufficient bond with his  
21 own money. However, defendant's attempt to post such a bond was  
22 neither sufficient in amount nor, as discussed below, his own money,  
23 but rather the proceeds of fraud. (Dkt 75, pp. 9-14.)

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25  
26 <sup>3</sup> The lack of a stable address is also a factor for the Court to  
27 assess with respect to flight risk. The defendant changed his  
28 residence on two occasions just prior to his arrest, which  
necessitated a search warrant for cell site information and  
surveillance to determine his whereabouts. (Dkt 42, pp. 60-63.)

1 **V. THE GOVERNMENT WAS ENTITLED TO A DETENTION HEARING**

2 The defense argues that the government was not entitled to a  
3 detention hearing because the court did not determine, as threshold  
4 matter, that defendant posed a serious risk of flight or obstruction  
5 of justice.

6 The defense argument in this regard was thoroughly aired and  
7 rejected in the second bond hearing. (Dkt 63, pp. 16-18 & 43-47.)  
8 The court initially found that a detention hearing would have been  
9 warranted because defendant presented a serious risk of flight and  
10 that defendant had waived this argument because of his failure to  
11 raise the issue at the initial hearing. (Dkt 63, pp. 16-18.) The  
12 government pointed out that it had sought, and was entitled to, a  
13 detention hearing not only because of a serious risk of flight but  
14 also a serious risk that defendant would obstruct justice. (Dkt 63,  
15 pp. 43-44; Dkt 3, p. 5.) The government then pointed out that the  
16 risk of obstructing justice was obvious given that the defendant had  
17 been charged with two obstruction counts, the defendant had tried to  
18 pay off a witness in connection with his domestic abuse case, and a  
19 primary motive behind the various fraud offenses charged in the  
20 indictment was to procure attorneys who would assist the defendant's  
21 obstruction by providing the government with falsified documents and  
22 testimony. (Dkt 63, pp. 43-47.)

23 **VI. THE MAGISTRATE JUDGE WAS NOT MISINFORMED AS TO THE FACTS**

24 The defense claims that the record contains several  
25 misstatements of fact. Specifically, it argues that the Magistrate  
26 Judge was misinformed as to defendant's criminal history and  
27 allegations that defendant had defrauded litigants in one of the  
28 civil fraud cases.



1 With respect to defendant's criminal history, the record reveals  
2 that the government argued reasonable inferences based upon the  
3 evidence submitted to the court, accepted defense proffers offered by  
4 the defense response, subsequently conducted a lengthy investigation  
5 as to defendant's criminal history, and submitted accurate  
6 information to the court to clarify and amend the factual record.

7 With respect to defendant's denials regarding the fraud  
8 committed against victim Jeff Chase, the government submitted  
9 detailed evidence that supports Chase's allegations. The government  
10 stands by its position that Chase was defrauded and that the \$100,000  
11 offered by defendant in support of a bond represents the proceeds of  
12 that fraud.

13 **A. The Magistrate Judge Was Correctly Informed Re Defendant's**  
14 **Criminal History**

15 At the initial October 30, 2023 detention hearing, there were  
16 several uncertainties as to defendant's criminal history. The  
17 Pretrial Service Report represented that the defendant did not have  
18 any prior felony convictions. (Dkt 62, pp. 8-9.) Upon inquiry by  
19 the Magistrate Judge, the Pretrial Services Officer represented that  
20 he was uncertain whether there was a felony conviction or not. (Id.  
21 at 8.) The government proffered that the defendant did have a prior  
22 felony conviction, but the defense replied that it did not know.  
23 (Id. at pp. 8-9.) The parties also disagreed as to whether the  
24 allegations of defendant's domestic abuse involved one woman or  
25 multiple women. (Dkt 62, pp. 23-26.) The government pointed out  
26 that defendant's sentence of 270 days incarceration was accompanied  
27 with a probationary period of five years. (Id. at 26.) The defense  
28 represented that defendant's probationary term was "early

1 terminated." (Id.)

2 In connection with the second bond hearing, the government filed  
3 a table that summarized defendant's rap sheet as well as a trial  
4 brief filed by the state prosecution in the case that ultimately  
5 resulted in defendant's conviction which forth prior instances of  
6 defendant's violent conduct. (Dkt 42, pp. 8-9 & 151-178.) At the  
7 hearing, the defense took issue with the government's table "to make  
8 sure that it's not part of the record". (Dkt 63, pp. 68-70.) In  
9 particular, the defense took issue with three entries from the rap  
10 sheet that stated, "convicted, pled to other offense." (Id. at 69.)  
11 At the hearing, the government accepted the defense proffer. (Id. at  
12 70.) The court accepted it as well. (Id. at 70-71.) Moreover, at  
13 the court's direction, the government spent approximately two weeks  
14 investigating defendant's criminal history, largely by obtaining  
15 prior arrest reports, and then filed a revised proffer with an  
16 amended table. (Dkt 65.)

17 That revised proffer acknowledged that there was "no evidentiary  
18 support" for a probation violation. (Dkt 65, pp. 9-10.) It also  
19 made clear that the five-year probationary term was imposed as part  
20 of defendant's sentence imposed on July 10, 2019, that by November  
21 15, 2021, defendant moved for an early termination of probation, and  
22 that on January 27, 2022, the court found that the probationary term  
23 was "previously expired/terminated by operation of law." (Id.)

24 Consequently, the record below does not contain incorrect  
25 information with respect to defendant's criminal history, nor did the  
26 Magistrate Judge make its decision based upon misinformation in that  
27 regard.

1           **B. Defendant Defrauded Jeff and Linda Chase & Offered the**  
 2           **Proceeds of that Fraud as a Bond**

3           The government is sensitive to the Court's stated intention not  
 4 to accept evidentiary submissions not considered by the Magistrate  
 5 Judge. The government will not submit additional evidence here.  
 6 However, the government does not believe it should let stand  
 7 statements in the defense brief that are not a fair representation as  
 8 to the status of the California Superior Court case brought by victim  
 9 Chase, particularly when it states that the civil lawsuit is "not yet  
 10 resolved" (Defense brief, p. 5.) and that the allegations are  
 11 "unproven." (Defense brief, p. 7.) A proposed decision was rendered  
 12 in that matter on May 23, 2024 in accordance with the California  
 13 Rules of Court and the parties have thirty days to file objections.<sup>4</sup>  
 14 Should the Court wish to consider the Superior Court's decision, the  
 15 government will be prepared to present it at the June 10 hearing.

16           The record before the Magistrate Judge sets forth clear and  
 17 convincing evidence that defendant defrauded the Chases. The  
 18 government set forth a narrative of the offense. (Dkt 75, pp 9-14.)  
 19 That narrative was supported with an interview of Mr. Chase (Dkt 75,  
 20 pp. 105-108) and several exhibits. (Dkt 75, pp. 110-199.) In  
 21 essence, in December 2013, the Chases invested \$350,000 for an  
 22 investment in real property.<sup>5</sup> Approximately seven months later,  
 23

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24           <sup>4</sup> Under California law, "[t]he main purpose of an objection to a  
 25 proposed statement of decision is not to reargue the merits, but to  
 26 bring to the court's attention inconsistencies between the court's  
 ruling and the document that is supposed to embody and explain that  
 ruling." *Heaps v. Heaps*, 124 Cal.App.4th 286, 292 (2004).

27           <sup>5</sup> The defense argues that the government's proffered evidence  
 28 showing that defendant promptly converted the Chase's money to his  
 own benefit in December 2013 is "incomplete and misleading" because  
 (footnote cont'd on next page)

1 after defendant and his partner, Belsher, acquired the property, they  
2 sold it to a third party, Tank Farm Center, without the Chases'  
3 knowledge, to the benefit of a company owned by defendant and  
4 Belsher, PB Companies, which obtained an interest in Tank Farm  
5 Center.

6 The \$100,000 check that defendant presented for the purpose of  
7 posting a bond represents the proceeds of the fraud committed against  
8 the Chases. That money was sourced from a \$270,000 payment received  
9 by PB Companies for the sale of its interest in Tank Farm Center.<sup>6</sup>  
10 (Dkt 75, p. 9-14.) As such, the funds cannot possibly satisfy any  
11 reasonable review as contemplated by *United States v. Nebbia*, 357  
12 F.2d 303, 304 (2nd Cir. 1966) ("If the court lacks confidence in the  
13 surety's purpose or ability to secure the appearance of a bailed  
14 defendant, it may refuse its approval of a bond even though the  
15 financial standing of the bail is beyond question.") Here, the

16 \_\_\_\_\_  
17 the property was ultimately purchased a few months later. (Defense  
18 brief, p. 7.)

19 The government's proffer (Dkt 88, pp. 39-42) was not accepted by  
20 the defense (Dkt 88, p. 42) and the court did not consider it for its  
21 decision. (Id.)

22 Should the defense now accept the proffer, the point of the  
23 proffered evidence was to show that defendant personally and directly  
24 profited from the fraud. The fact that the property was purchased  
25 with other funds months later does not exonerate the defendant  
26 because after the purchase, the property was sold for the benefit of  
27 defendant and Belsher without informing Chase.

28 <sup>6</sup> The sale price also included a \$550,000 promissory note which  
PB Companies offered to the Chases, provided that they enter into a  
comprehensive settlement agreement that resolved a variety of fraud  
claims.

The government does not understand the defense argument that the  
offer of the promissory note refutes the allegation that the Chases  
were defrauded. An offer to pay the Chases back their investment  
plus the return they were promised appears to be more of an  
acknowledgement of the fraud than a denial. Moreover, as the  
government's evidentiary presentation makes clear, the promissory  
note was a cynical device to entice the Chases to settle the three  
separate investment fraud schemes.

1 Chases would likely claim the funds posted by defendant if they were  
2 ever released by the Court. Under such circumstances, the defendant  
3 has no incentive to comply with the conditions of release to ensure  
4 the return of the money posted as bond. (Dkt 75, p. 14.)

5 **VII. DEFENDANT HAS A HISTORY OF DEFRAUDING FRIENDS & ASSOCIATES**

6 In response to the Magistrate Judge's opinion that while  
7 defendant may have defrauded business partners, he was less likely to  
8 defraud friends who might be willing to help him post bond. In  
9 response, the government provided examples in which defendant had  
10 defrauded people with whom he had maintained close personal  
11 relationships. This information is relevant not only to further  
12 demonstrate that defendant is a danger to the community, but also to  
13 show that funds offered by friends should not receive blind  
14 acceptance but rather be assessed, in accordance with *Nebbia*, as to  
15 whether they will effectively secure defendant's compliance with any  
16 order of release.

17 **A. Defendant Defrauded LB**

18 Consistent with the Court's Minute Order, the parties have  
19 stipulated in the Appendix that the Court should not consider  
20 Exhibits M, N, and O, which were filed by the defense in support of  
21 the defendant's Application.<sup>7</sup>

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22  
23 <sup>7</sup> The government conferred with the defense on multiple  
24 occasions prior to filing the Appendix. On May 28, 2024 at  
25 approximately 1:20 p.m., the parties had final discussions, the  
26 defense requested some changes to the Appendix, and the government  
27 made those changes as directed. At 1:38 p.m., consistent with those  
28 discussions, the government forwarded the final version of the  
Appendix to defense counsel and requested written authorization to  
include defense counsel's signature. As of the 3:00 p.m. filing  
deadline set by the Court, the government received no response from  
defense counsel. Consequently, the government filed the Appendix  
with a notation above defense counsel's signature line reading,  
"signature not authorized."

1       The defense brief argues that LB is not a victim of fraud  
2 primarily based upon an argument that the \$109,677 in expenses racked  
3 up by defendant on LB's credit card were ultimately repaid. The  
4 evidence presented by the government, namely the testimony of LB,  
5 shows that defendant paid the debt only after LB's credit cards had  
6 been shut down, her entreaties to defendant had failed, and she  
7 procured the services of an attorney. (Dkt 75, pp. 15-17.)<sup>8</sup> The  
8 Magistrate Judge found the government's presentation to be  
9 "compelling," adding that "Mr. Wright is not hesitant about doing  
10 what he wants to do even if it causes his friends to lose their  
11 money." (Dkt 88, p. 14.)

12       **B. Defendant Defrauded Jonathan Westbay**

13       The government set forth detailed evidence chronicling frauds  
14 defendant perpetrated against Johnathan Westbay, a personal friend of  
15 defendant going back to when they were approximately 22 years of age.  
16 (Dkt 75, pp. 17-19; Dkt 88, pp. 25-26.)<sup>9</sup>

17       The defense ignores the allegations of fraud and argues that  
18 Jonathan Westbay is a biased and spiteful witness. (Defense brief,  
19

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20       <sup>8</sup> The new evidence proffered by the defendant is based upon a  
21 specious argument that defendant provided relatively minor financial  
22 benefits to LB prior to the fraud. There is no doubt that defendant  
23 and LB developed a close personal relationship, but any prior largess  
24 by the defendant is consistent with attempts to gain the confidence  
25 of a victim prior to defrauding them.

26       Indeed, defendant recently sought to fraudulently capitalize on  
27 that prior relationship once again in connection with the instant  
bond review hearings. Defendant tendered a character reference  
letter authored by LB before the fraud without her permission. LB  
testified that had she known defendant wished to use the letter, she  
would have objected because he had come to know defendant's other  
side, which she described as "[s]hady, untrustworthy, very quick to  
anger." (Dkt 75, p. 17.)

28       <sup>9</sup> The bad checks issued to Westbay in connection with the matter  
(Dkt 75, pp. 229-239) are the same bad checks referenced in  
defendant's criminal history. (Dkt 65, p. 7.)

p. 16.)<sup>10</sup> The government concedes that a victim of fraud might harbor ill-will towards the perpetrator of that crime and that such ill-will could transform into bias and spite. This concession does not excuse the fraud defendant perpetrated, nor does it refute the government's essential point that the defendant has demonstrated, as the Magistrate Judge found, no hesitation to defraud close personal friends, making the various surety bonds offered by family and friends insufficient to ensure defendant's compliance with conditions of release.

**C. Defendant Defrauded John Pena**

Consistent with the Court's Minute Order, the parties have stipulated in the Appendix that the Court should not consider Exhibits P and Q which were filed by the defense in support of the defendant's Application.

The defense contends that Pena is not a credible witness. The government convincingly demonstrated to the Court that whatever credibility issues Pena may have, it does not follow that he would have consented to the defendant racking up over a half million dollars of charges using Pena's credit that were overwhelming used to pay criminal defense attorneys responding to corruption allegations that had nothing to do with Pena (not to mention payments for breast augmentation surgery for one of defendant's girlfriends). (Dkt 63, pp. 49-51.)

In deference to the Court's Minute Order, the government will not respond to evidence submitted by the defense that was not

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<sup>10</sup> The Court might note the incongruousness of defendant's proffering positive character witness statements (Dkt 45) while objecting to negative character witness statements such as those provided by the victims of his various frauds.

1 presented to the Magistrate Judge. However, it does wish to provide  
2 a response to the inaccurate representation that the government  
3 claimed that Pena had "never authorized Wright to open credit cards  
4 in his name or his companies' names." (Defense brief, p. 17.)

5 In its proffers to the Court, the government made clear that  
6 Pena *had* authorized the defendant to use Pena's credit worthiness and  
7 financial accounts in support of the Texas real estate project. For  
8 example, the government represented that:

9 "Mr. Pena has acknowledged providing Mr. Wright some access  
10 to some of his financial accounts but according to Mr.  
11 Pena, they were all business-related in other words, for  
12 business transactions related to the development of the  
13 property. And he saw such things there as clearly personal  
14 expenses such as -- I remember there was something with  
15 regard to a breast augmentation surgery that has nothing to  
16 do clearly with the project."

17 (Dkt 62, p. 16-17.)

18 The defense acknowledged the accuracy of the government's  
19 proffer:

20 Magistrate Judge: Well, did Mr. Pena -- are you challenging  
21 that -- are you contending that Mr. Pena authorized a  
22 breast augmentation or are you saying that he would have  
23 authorized the use of these cards just for the business?

24 Defense Counsel: He -- I'm saying that he would have  
25 authorized the use of the cards for the business.

26 (Dkt 62, p. 21.)

27 Similarly, in its written proffers to the Magistrate Judge, the  
28 government explained that Pena *had* authorized defendant to obtain  
credit cards in support of the project:

Pena informed investigators that in early 2023, he and the  
defendant discussed the inability to obtain funding from  
Builders Capital to complete the purchase of the Lang  
Ranch. The defendant told Pena that to demonstrate  
sufficient cash reserves for the lender to fund the loan,  
they should obtain credit cards and other lines of credit  
using Pena's information and credit history. Pena agreed



1       that Wright could obtain such lines of credit only for the  
2       defendant's stated purpose of getting the loan approved.

3       (Dkt 42, p. 6.)

4       **VIII.        DEFENDANT STIPULATED TO THE TERMS OF THE PROTECTIVE ORDER &**  
5       **THE GOVERNMENT HAS ACCOMODATED HIS REQUESTS FOR MODIFICATION**

6       The defense complains that defendant's continued detention has  
7       hamstrung their case preparation because of defendant's inability to  
8       access "protected" files while he is in custody. (Defense brief, p.  
9       7.)

10       The defendant's incarceration status pending trial is not  
11       unique. Nor is the instant case so complex as to justify defendant's  
12       pretrial release. Indeed, much of the offense conduct constitutes a  
13       rank fraud in which defendant converted investor money to support a  
14       decadent and lavish lifestyle.

15       The "protected" status of the files in question stem from a  
16       *Stipulation and Joint Request* for a Protective Order filed by the  
17       parties. (Dkt 37.) As it has done in the past, the government is  
18       amenable to working with the defense to ensure the defendant has  
19       reasonable access to discovery while incarcerated.